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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,448	07/18/2003	Tsutomu Ohishi	240473US2	1119
22850 7590 12/12/2007 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER KAU, STEVEN Y	
			ART UNIT 2625	PAPER NUMBER
			NOTIFICATION DATE 12/12/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

Application No.

10/621,448

Applicant(s)

OHISHI ET AL.

Examiner

Steven Kau

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. This action is responsive to the following communication: an Amendment filed on September 25, 2007.

- Objection to the specification is withdrawn from the record since the title has been amended to better reflect the features recited in the claims.
- Rejection to Claims 12-21 under 35 U.S.C. 101 is withdrawn from the record since claim 12 has been canceled and claims 13-21 have been amended to depend on Claim 22.
- Claim 23 has been added as an independent claim.
- Claims 1-11 and 13-23 are currently pending.
- Applicant's arguments filed on March 26, 2007 have been fully considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-11 and 13-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s)

contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding Claim 1, recites "An image forming apparatus that includes service modules for performing system side processes on image formation, wherein applications can be added to the image forming apparatus separately from the service modules, the image forming apparatus comprising: an application launch part configured to access launch selection information, the launch selection information indicating at least a location of an auxiliary storage device that stores one or more applications, and configured to launch the one or more applications from the auxiliary storage device according to the accessed launch selection information" (emphasis added); and Claim 23, recites "An image forming apparatus that includes service modules for performing system side processes on image formation, wherein applications can be added to the image forming apparatus separately from the service modules, the image forming apparatus comprising: an application launch part configured to access launch selection information, the launch selection information indicating at least a location of an auxiliary storage device that stores one or more applications, and configured to launch the one or more applications from the auxiliary storage device according to the accessed launch selection information, the auxiliary storage device corresponding to a recording medium removable from the image forming apparatus without disassembling any other portion of the image forming apparatus (emphasis added). The underlined phases are not disclosed in the

Specification. The specification discloses that HDD (Hard Disk Device, Figs. 1 & 2) stores one or more external application (First Embodiment, Para. 0124) and the flash memory 210 (Fig. 2) stores the launch selection data 211 (First Embodiment, Para. 0104), And therefore, it is lack of descriptive information of what type of applications and or programs the newly disclosed "auxiliary memory" and where the auxiliary memory fit in.

Claim 22 is rejected under 35 U.S.C. 112, first paragraph for the same reason discussed in the claims 1 and 23 rejection above.

Claims 2-11 and 13-21 are rejected under 35 U.S.C. 112, first paragraph because these claims are dependent claims of Claims 1 and 22, and some of these claims contain the new matter "auxiliary memory" discussed above.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-9, 11 and 13-23 are rejected under 35 U.S.C. 102(a) as being anticipated by Matsushima (US 2002/0054397).

Regarding Claim 1.

Matsushima discloses an image forming apparatus (Digital Multifunction Device 1 of Fig. 1 and Multifunction Device 100 of Fig. 10) that includes service modules (e.g. Basic common services of System Control Service (SCS) 122, System Resources Manager (SRM) 123, and ECS 124, MCS 125 of Fig. 10, Para. 0070) for performing system side processes on image formation, wherein applications can be added to the image forming apparatus separately from the service modules (installing a program in HDD 15 from a CD-ROM, Para. 0047), the image forming apparatus comprising: an application launch part (Command Dispatcher Module 129b of Fig. 10) configured to access launch selection information (Para 0096), the launch selection information indicating at least a location of an auxiliary storage device (e.g. CD-ROM 17 of Fig. 2, and Optical disks, Floppy Disks, and or download from network, etc., Paras 0047 & 0048) that stores one or more applications (e.g. predetermined control programs, Paras. 0047 & 0048), and configured to launch the one or more applications (e.g. a reprint application, Para. 0103) from the auxiliary storage device according to the accessed launch selection information (Para 0103).

Regarding Claim 2.

Matsushima discloses wherein the auxiliary storage device is at least one of a hard disk device (e.g. CD-ROM Drive 16 of Fig. 2), a recording medium removable from the image forming apparatus without disassembling any other portion of the image forming apparatus (CD-ROM is removable and no disassembling any other portion of the image forming apparatus, Fig. 2, Paras

0047 & 0048), and a computer connected to the image forming apparatus via a network (Paras 0097 & 0098).

Regarding Claim 3.

Matsushima discloses the image forming apparatus further comprising: a part for displaying a setting screen for setting the launch selection information on a display part of the image forming apparatus, and storing information input from the setting screen as the launch selection information (Para. 0012).

Regarding Claim 4.

Matsushima discloses wherein the application launch part (Command Dispatcher Module 129b of Fig. 10) launches the application by referring to information on the application (Para. 0096).

Regarding Claim 5.

Matsushima discloses wherein the information referred to by the application launch part is address information of the application (e.g. a reprint application through HTTP request must through address information for obtaining the correct reprint job requisition, Para 0102).

Regarding Claim 6.

Matsushima discloses wherein the application launch part determines whether the application is installed at the location according to presence or absence of predetermined information on the application, and the application launch part launches the application if the application is installed at the location (Matsushima discloses a process procedure for dispatching an application based

on results of analysis by the XML syntax analyzing module 129c, Paras 0094, 0095 and 0096).

Regarding Claim 7.

Matsushima discloses wherein the application launch part refers to setting information including information indicating whether a predetermined application is to be launched, and the application launch part launches the predetermined application if the setting information includes information indicating the predetermined application is to be launched (e.g. dispatching and or downloading predetermined programs, paras 0047 & 0048).

Regarding Claim 8.

Matsushima discloses wherein the application launch part refers to setting information including information indicating applications to be launched, and the application launch part launches the application indicated in the information (e.g. setting information stored in the flash memory, Para 0055).

Regarding Claim 9.

Matsushima discloses a part for displaying a setting screen for setting the setting information on a display part of the image forming apparatus (Paras 0073 & 0080), and storing information input from the setting screen as the setting information (Paras 0073 & 0080).

Regarding Claim 11.

Matsushima discloses wherein the image forming apparatus receives an application from the computer connected to the image forming apparatus via a



network by using a http protocol or a ftp protocol, and the application launch part launches the received application (Paras. 0041 & 0097).

Regarding Claim 22.

Claim 1 recites identical features as claim 22, except claim 22 is a computer readable medium claim. Thus, arguments similar to that presented above for claim 1 are also equally applicable to claim 22.

Regarding Claim 23.

Claims 1 & 2 recite identical features as claim 23. Thus, arguments similar to that presented above for claims 1 & 2 are also equally applicable to claim 23.

Regarding Claim 13.

Claim 2 recites identical features as claim 13, except claim 13 is a computer readable medium claim. Thus, arguments similar to that presented above for claim 2 are also equally applicable to claim 13.

Regarding Claim 14.

Claim 3 recites identical features as claim 14, except claim 14 is a computer readable medium claim. Thus, arguments similar to that presented above for claim 3 are also equally applicable to claim 14.

Regarding Claim 15.

Claim 4 recites identical features as claim 15, except claim 15 is a computer readable medium claim. Thus, arguments similar to that presented above for claim 4 are also equally applicable to claim 15.

Regarding Claim 16.

Claim 5 recites identical features as claim 16, except claim 16 is a computer readable medium claim. Thus, arguments similar to that presented above for claim 5 are also equally applicable to claim 16.

Regarding Claim 17.

Claim 6 recites identical features as claim 17, except claim 17 is a computer readable medium claim. Thus, arguments similar to that presented above for claim 6 are also equally applicable to claim 17.

Regarding Claim 18.

Claim 7 recites identical features as claim 18, except claim 18 is a computer readable medium claim. Thus, arguments similar to that presented above for claim 7 are also equally applicable to claim 18.

Regarding Claim 19.

Claim 8 recites identical features as claim 19, except claim 19 is a computer readable medium claim. Thus, arguments similar to that presented above for claim 8 are also equally applicable to claim 19.

Regarding Claim 20.

Claim 9 recites identical features as claim 20, except claim 20 is a computer readable medium claim. Thus, arguments similar to that presented above for claim 9 are also equally applicable to claim 20.

Regarding Claim 21.

Claim 11 recites identical features as claim 21, except claim 21 is a computer readable medium claim. Thus, arguments similar to that presented above for claim 11 are also equally applicable to claim 21.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsushima (US 2002/0054397) in view of Kimura (US 6,226,097).

Regarding Claim 10.

Matsushima differs from claim 10, in that he does not teach that the image forming apparatus further comprising a virtual application service that operates as a client process for the services modules and operates as a server process for the applications, wherein the virtual application service includes the application launch part.

Kimura discloses a print interrupt method, in that he teaches the image forming apparatus further comprising a virtual application service {e.g. a virtual server/virtual print spooler/virtual print server provide virtual application services} (Figures 1, 7 & 8 col 6, lines 4-13) that operates as a client process for the services modules (Figures 7 & 10, col 6, lines 1-13 & col 7, lines 13-38) and operates as a server process for the applications, wherein the virtual application service includes the application launch part {e.g. execute various types of programs such as application} (Figure 1, col 4, lines 15- 36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Morita to include the image forming apparatus further comprising a virtual application service that operates as a client process for the services modules and operates as a server process for the applications, wherein the virtual application service includes the application launch part taught by Kimura because it is capable of continuing normal printing even if a user request interruption of data transmission and performs the next printing (col 1, lines 43-46).

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

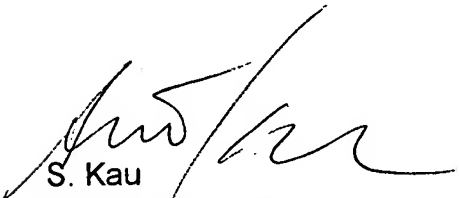
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Kau whose telephone number is 571-270-1120 and fax number is 571-270-2120. The examiner can normally be reached on Monday to Friday, from 8:30 am -5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on 571-272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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December 5, 2007



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